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An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA Pt. 11 is enacted to read:

PART 11

Critical Incidents

CHAPTER 501

critical incident stress management teams

§ 4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause a law enforcement officer to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, fatal motor vehicle accidents, child abuse investigations and death investigations.

2. Critical incident stress management team. "Critical incident stress management team" means a team composed of members of a state, county or municipal law enforcement agency that is trained, in accordance with standards established by rule by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another law enforcement agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§ 4202. Critical incident stress management teams

1. Information confidential. Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team may be made available for statistical evaluation only.

2. Mandatory disclosure of information. Unless protected by a privilege of law recognized by this State, a member of a critical incident stress management team must disclose to appropriate federal, state or local government agencies or law enforcement agencies the following types of information:

- A. An admission by a person seeking the assistance of the critical incident stress management team that the person has committed a crime;
- B. A disclosure of information by a person seeking the assistance of a critical incident stress management team that must be reported pursuant to any applicable law; or
- C. A disclosure of information by a person seeking the assistance of a critical incident stress management team that would lead one to reasonably think that the person seeking assistance is a danger to that person or to another person.

SUMMARY

This bill ensures that proceedings, communications and records connected in any way with the work of a critical incident stress management team are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action. The bill requires disclosure by members of a critical incident stress management team of certain types of information if the information is admitted or disclosed by a person seeking the assistance of a critical incident stress management team.